

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	CHAPTER 11
	:	
SCUNGIO BORST & ASSOCIATES, LLC	:	BANKRUPTCY NO. 22-10609(AMC)
	:	
Debtor	:	
	:	

ORDER

AND NOW, upon consideration of the Motion of Debtor for Entry of an Order (I) Determining that Certain Construction Liens are Void *Ab Initio*; (II) Granting Compensatory and Punitive Damages Against Certain Construction Lien Claimants for Violations of the Automatic Stay Pursuant to 11 U.S.C. § 362(k) and (III) Granting Related Relief (the “Motion”)¹, and after notice and hearing, and the Court having determined that the Asserted Liens violated the Automatic Stay provided by 11 U.S.C. § 362, and that further the Asserted Liens do not relate back to a pre-petition period; it is hereby **ORDERED** that:

1. The Motion is **GRANTED**.
2. The following Asserted Liens are hereby determined to have been filed in violation of the automatic stay and, accordingly, they are void *ab initio* and are not enforceable:

	UNPAID SUBCONTRACTOR WITH LIENS	CONSTRUCTION LIEN AMOUNT	DATE OF RECORDATION OF LIEN	INSTRUMENT NUMBER
1	1 st Black Hawk, LLC	\$183,324.45	March 17, 2022	2022014247
2	Elite Painting Services, LLC	\$97,700.00	March 21, 2022	2022014650
3	K&D Ungarini Iron Works, LLC (This construction lien is filed in the name of this subcontractor’s president, Daniel Fedejko.)	\$137,030.00	March 28, 2022	2022016136
4	M&D Door & Hardware	\$43,279.95	April 5, 2022	2022017506
5	Network Flooring & Maintenance, LLC	\$25,929.00	April 22, 2022	2022020913
6	SSC Distributors, Inc.	\$117,765.90	April 5, 2022	2022017591

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

3. The Asserted Liens that are claimed with respect to the Segregated Funds are hereby released, discharged and satisfied.

4. The Segregated Funds are therefore free and clear of the Asserted Liens.

5. Compensatory damages in the amount of \$ _____ and punitive damages in the amount of \$ _____ are hereby awarded, jointly and severally, against 1st Black Hawk, LLC; Elite Painting Services, LLC; K&D Ungarini Iron Works, LLC; M&D Door & Hardware; Network Flooring & Maintenance, LLC and SSC Distributors, Inc. pursuant to 11 U.S.C. § 362(k).

6. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

BY THE COURT:

Date: _____

ASHELY M. CHAN,
UNITED STATES BANKRUPTCY JUDGE